

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

NICOLAS K. GEORGE, individually and)
as Personal Representative of the Estate of)
Lisa Kay George,)
Plaintiff,)

v.)

HARTFORD INSURANCE COMPANY,)
UNIVERSITY OF NEW MEXICO)
HOSPITAL, THE BOARD OF
REGENTS OF THE UNIVERSITY OF
NEW MEXICO,

Case No. 1:16-cv-00976-JCH-SCY

Defendants.

STIPULATION TO REMAND REMOVED ACTION

Plaintiff Nicolas K. George, Defendants Hartford Life and Accident Insurance Company (“Hartford”),¹ University of New Mexico Hospital (“UNMH”), and The Board of Regents of the University of New Mexico (the “Board of Regents”), hereby stipulate as follows:

1. On June 29, 2016, Plaintiff filed a civil complaint in the Second Judicial District Court, County of Bernalillo, State of New Mexico entitled *Nicolas K. George v. Hartford Insurance Company, et al.*, No. D-202-CV-2016-04045 (the “State Court Action”).

¹ The Complaint erroneously named Hartford Insurance Company as a Defendant. No such entity exists. Hartford Life and Accident Insurance Company is the company that issued the policy at issue in this case.

2. On July 13, 2016, George filed an Amended Complaint for Damages in the State Court Action.

3. The New Mexico Department of Insurance mailed the Summons and Complaint to Hartford on July 20, 2016.

4. Hartford received the Summons and Complaint on August 5, 2016. NMSA § 59A-5-32(B) (“Service of process on the insurer shall be complete upon receipt, or, in the event of a refusal to accept, the date of such refusal.”).

5. On September 1, 2016, Hartford filed a Notice of Removal (Doc. 1), removing the State Court Action to this Court.

6. After some discussion, the parties have agreed and hereby stipulate that: (a) this action should be remanded to the state court in which it was initiated; and (b) each party shall bear its own attorneys’ fees and costs under 28 U.S.C. § 1447 with respect to the removal and subsequent remand of this action pursuant to this stipulation.

7. The parties further agree that if the UNMH and the Board of Regents are later dismissed from the State Court Action and Hartford removes the State Court Action to federal court, Plaintiff will not object to the timeliness of Hartford’s removal.

Pursuant to the foregoing, the parties request that the Court enter the Stipulated Order submitted contemporaneously herewith.

DATED: September 30, 2016

THE LAW OFFICE OF BRIAN K.
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